



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P. (MD) No.573 of 2021

1. Sethuramayee
2. A.M.Eswaramoorthy ... Petitioners/Plaintiffs 1 & 2

-Vs-

1. Lakshmiammal
2. Velumani
3. Veeramani @ Sumathi
4. Raameswari
5. Muthumeena
6. Krishnaveni
7. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Bodinayakkanur Taluk, Theni District.
8. The Convenor,
All Agri Society,
Opposite to Perumal Kovil,
Kamarajar Bazaar,
Bodinayakkanur Town,
Bodinayakkanur Taluk, Theni District.
9. The Manager,
Canara Bank,
Bodinayakkanur Branch,
Bodinayakkanur Town,
Bodinayakkanur Taluk, Theni District.
10. The Bank Manager,
Ulavar Pani Cooperative Society Ltd,
Bodinayakkanur Branch,
Bodinayakkanur Town,
Bodinayakkanur Taluk, Theni District.
11. Periyamuniyandi
12. Chinna Muniyandi ... Respondents/ Defendants 1 to 12

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Fast Track Mahila Court, Theni District to dispose of the suit in O.S.No.129 of 2020, within a stipulated period as fixed by this Court.

For Petitioners : Mr.S.Ayyanar Prem Kumar
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader
for R7 to R10

**O R D E R**

This Civil Revision Petition has been filed seeking a direction to the learned Judge, Fast Track Mahila Court, Theni District to dispose of the suit in O.S.No.129 of 2020, on the file of the Fast Track Mahila Court, Theni District, within the time stipulated by this Court.

2. The learned counsel for the revision petitioners would submit that the revision petitioners have filed a suit for partition in O.S.No.129 of 2020, for accounts, mense profit and for damages against the respondents 1 to 6 regard to the suit properties. The suit was initially filed before the Principal District and Sessions Court, Theni District and was transferred to the Fast Track Mahila Court, Theni District. Thereafter, the summons served upon all the respondents/defendants and the respondents 1 to 6 were filed valakath and the remaining respondents 8,11,12 were remains set exparte and respondent/defendant No.9 only filed written statement and others failed to file the same. Particularly, the respondents 1 to 6 are failed to filed their written statement within 90 days as per the Order VIII Rule 1 of C.P.C., with the mala fide intention to delay the suit proceedings.

3. The grievance of the petitioner is that the first revision petitioner is a senior citizen and the respondents 1 to 6 were filed I.A.No.7 of 2021 in O.S.No.129 of 2020 under Order VII Rule 11 of C.P.C., after a lapse of 90 days for filing of written statement with the intention to drag on the main suit. Hence, the petitioners/plaintiffs are constrained to move the present revision petition before this Court for getting speedy disposal of the suit in O.S.No.129 of 2020.

4. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice on behalf of the respondents 7 to 10. Heard the learned counsel for the revision petitioners and perused the materials placed before this Court. Since this Civil Revision Petition is filed only for an early disposal of the suit and as no adverse order is going to be passed, no notice is necessary to the other respondents herein.

5. Considering the facts and circumstances of the case and the age of the first revision petitioner, this Court feels that ends of justice would be met by directing the Court below to dispose of the suit within a time frame. Accordingly, without advertting to the merits of the case, a direction is issued to the learned Judge, Fast Track Mahila Court, Theni District to dispose of the suit in O.S.No.129 of 2020, on merits and in accordance with law within a period of one year from the date of receipt of a copy of this order.



6. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

To

1. The Judge Fast Track Mahila Court,
Theni District.

2.The Section Officer, (2C)
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL GP (SR-14117[F] dated 29/03/2021)

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-14176[F] dated 29/03/2021)

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MA (CO)

KB(17.04.2021) 3P 6C